

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OPLINK COMMUNICATIONS, INC.,

Plaintiff,

v.

O-NET COMMUNICATIONS  
(SHENZHEN) LIMITED, MULTIWAVE  
DIGITAL SOLUTIONS, INC.,  
CHUNMENG WU, an individual,

Defendants.

Case No. CV 07-4582 MJJ

**STIPULATION AND ~~PROPOSED~~ ORDER  
RE FILING OF AMENDED PLEADINGS AND  
WITHDRAWAL OF MOTIONS ON  
CALENDAR FOR NOVEMBER 27, 2007**

STIPULATION AND [PROPOSED] ORDER  
RE AMENDED PLEADINGS AND  
WITHDRAWAL OF MOTIONS

CASE NO. CV 07-4582 MJJ

1           **WHEREAS**, on August 24, 2007, plaintiff Oplink Communications, Inc. (“Oplink”) filed  
 2 a First Amended Complaint in this action against defendants O-Net Communications (Shenzhen)  
 3 Limited (“O-Net Shenzhen”), Multiwave Digital Solutions, Inc. (“Multiwave”), and Chunmeng  
 4 Wu (collectively “O-Net”);

5           **WHEREAS**, on September 17, 2007, O-Net filed its Answer and Counterclaims. O-Net  
 6 Shenzhen and Multiwave concurrently filed a Motion to Dismiss and Motion to Strike [Docket  
 7 No. 11] (“Motion to Dismiss”);

8           **WHEREAS**, on October 9, 2007, Oplink filed a Motion to Strike Defendants’  
 9 Affirmative Defenses and Dismiss Their Counterclaims [Docket No. 19] (“Motion to Strike”);

10           **WHEREAS**, all briefing has been completed and both motions are currently on calendar  
 11 for hearing before the Court on November 27, 2007;

12           **WHEREAS**, the parties have met and conferred and have consented to each party filing  
 13 amended pleadings to resolve the parties’ respective motions;

14           **NOW THEREFORE**, the parties to the above-entitled action, by and through their  
 15 attorneys of record, hereby stipulate as follows:

16           1. Defendants consent, pursuant to Federal Rule of Civil Procedure 15(a), to Plaintiff  
 17 filing its Second Amended Complaint in the form attached as Exhibit A;

18           2. O-Net Shenzhen’s and Multiwave’s Motion to Dismiss [Docket No. 11] be taken  
 19 off calendar;

20           3. Plaintiff consents, pursuant to Federal Rule of Civil Procedure 15(a), to  
 21 Defendants filing their First Amended Answer and Counterclaims in the form attached as Exhibit  
 22 B; and

23           4. Oplink’s Motion to Strike [Docket No. 19] be taken off calendar.

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2 Dated: November 19, 2007

WHITE & CASE LLP

3 By: /s/ Sam O'Rourke

4 Sam O'Rourke  
Attorneys for Plaintiff

5 Dated: November 19, 2007

FENWICK & WEST LLP

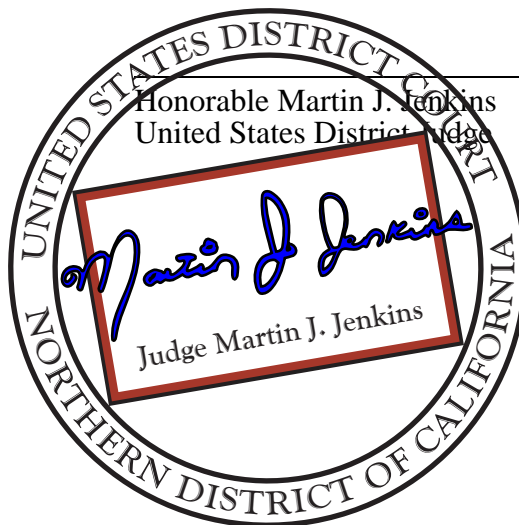
6 By: /s/ Carolyn Chang

7 Carolyn Chang  
8 Attorneys for Defendants

9 **PURSUANT TO STIPULATION, IT IS HEREBY ORDERED.**

10  
11 Dated: November 20, 2007

12 \_\_\_\_\_  
Honorable Martin J. Jenkins  
United States District Judge



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